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ABSTRACT

Reports from seven United Cerebral Palsy Association affiliates were collected to identify implementation issues and difficulties relating to the Education for All Children Act, P.L. 94-142. Data were compiled for the following major areas: the question of related services, the individual education plan, the due process hearing, least restrictive environment and private school placements, coordination with the private sector, public involvement, state responsibilities, funding sufficiency, preschool incentives, and determination of equal treatment. Among findings were that transportation services are frequently inadequate and have harmful effects on the child; failure of the due process system is a major problem in Illinois; and failures to develop inservice training programs for teachers and associated personnel have been documented in Ohio, Maine, Missouri, California and Maryland. (SBH)

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Volume Seven Number Five

UCPA AFFILIATES REPORT IMPLEMENTATION EXPERIENCES WITH P.L. 94-142: THE "EDUCATION FOR ALL HANDICAPPED CHILDREN ACT"

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State Situation Reports from UCPA affiliates in New York, Illinois, Kansas, Maryland, Alabama, Maine, and Missouri are available upon request by writing the UCPA Governmental Activities Office. Also available is a copy of the UCPA Washington office questionnaire on P.L. 94-142.

PURPOSE OF PAPER

The purpose of this paper is to alert the Bureau of Education for the Handicapped (BEH) of the Department of Health, Education, and Welfare (DHEW) and leading advocate organizations to P.L. 94-142, the "Education For All Handicapped Children Act," implementation issues and difficulties prior to their visiting a state.

METHODOLOGY

In the fall of 1977 the UCPA Governmental Activities Office wrote 20 state UCPA affiliates which have demonstrated advocacy experience with P.L. 94-142 and requested their participation in an "early warning system" by preparing state situation reports. Of the 20, eleven agreed to participate and seven actually prepared written reports.

In reporting P.L. 94-142 implementation experiences in the January, 1978 Word From Washington, mention was made of the state situation paper project. As a result two UCPA affiliates wrote the UCPA Washington office.

At its November 2, 1977 meeting the UCPA National Governmental Activities Committee decided to launch an outreach program to have affiliates designate a volunteer liaison to UCPA's governmental activities program. The six District Representatives on the Committee were given responsibility for this initiative. It was suggested that a detailed questionnaire prepared by the UCPA Washington office on P.L. 94-142 be utilized to determine the level of interest in and knowledge by affiliates of this important public policy issue. Gerald Varty, Western District Representative, disseminated the questionnaire to all UCPA affiliates in his district. Dona Caswell, Midwest District Representative, forwarded the questionnaire to the UCPA state affiliates in her district. Sixteen questionnaires were returned to the UCPA Washington office.

Lastly, this paper has utilized the findings of a UCPA of California Developmental Disabilities Project Of National Significance report on the needs of non-retarded developmentally disabled persons.

Appendix One lists all UCPA affiliates participating with the UCPA Governmental Activities Office in preparation of this paper.

MAJOR FINDINGS

- Focus On Adult Needs

A number of UCPA affiliates (not listed in appendix) responded by stating that their programs were solely concerned with the needs of adults with disabilities. These agencies noted that with the emergence of public sector responsibility for education, and faced with increasing numbers of severely disabled adults in their communities, affiliate program services have evolved from direct provision of education and related services for school-age children to an emphasis on adults.

It is commendable that these agencies, responding to public initiatives, have closed their private specialized schools and assumed responsibilities in other areas. At the same time this trend is unfortunate in one respect, because community agencies with 20 to 30 years of experience in educating handicapped children have not continued to be involved in assisting and monitoring public programs for school-aged handicapped children. The wealth of experience and expertise of these agencies cannot easily be replaced.

- Related Services

In reviewing P.L. 94-142 implementation to date, failure to provide related services was clearly the foremost problem cited by participating affiliates. The Federal government needs to clarify the educational sector's responsibilities for the provision of related services and initiate interagency agreements at the Federal level as an example to local and state governments.

- Individual Education Plan Development

Many parents felt that the IEP did not adequately specify "appropriate" services for their children's needs, many IEP's seemed to be mass produced, and frequently parents were not informed of their rights nor involved in IEP development. A major component of Federal and state monitoring efforts should be detailed attention to the IEP.

- Coordination With And Utilization Of Private Agency Resources

Many UCPA affiliates reported that the public sector has generally ignored the role of private education providers and failed to coordinate and utilize private education resources.

- Funding Situations

Lack of resources and required funding were cited by UCPA affiliates all over the nation as a major problem. If the goals and objectives of P.L. 94-142 are to ever be achieved, a strong and dynamic Federal leadership role, backed by full funding levels, must be continually initiated.

THE QUESTION OF RELATED SERVICES

P.L. 94-142 defines special education as specifically designed instruction. Related services are those services required to assist a child to benefit from special education. The Act describes related services as developmental, corrective, and other supportive services including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services. The term "related services" includes "transportation" as well as those listed in the Act. The term also includes "school health services, social work services in schools, and parent counseling and training."

The regulations define "medical services" as "services provided by a licensed physician to determine a child's medically related handicapping condition which results in the child's need for special education and related services." "School health services" means services provided by a qualified school nurse or other qualified person."

Additionally, the regulations require that "nonacademic and extracurricular services and activities" are provided in order to afford handicapped children an

equal opportunity for participation in those services and activities. These services "may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies which provide assistance to handicapped persons, and employment of students...."

The scope of related services presents a serious problem of financing. The school system is responsible for seeing that related services are provided, but is not necessarily responsible for paying for such services. This means that other financing agencies - such as Crippled Children Services and Medicaid - must develop cooperate financing arrangements with the school system. Additionally, a clear system of responsibility for service provision along with the arrangement for payment of such services must be developed.

The regulations address the problem of method of payment by stating that the state is to use whatever state, local, Federal, and private sources of support are available in the state to implement P.L. 94-142. The regs encourage joint agreements between agencies. The regs declare that "nothing in this part relieves an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a handicapped child."

Though related services includes medical services, there are very real restrictions in the Act on such services ("for diagnostic and evaluation purposes only"). The UCPA Collaborative Infant project has documented that in the education of the severely disabled child, medically related services must be included in the development and implementation of the IEP. Even if interagency financial linkages are developed, the medical services defined as "related services" are much too narrow.

- The Problem Of Transportation

Transportation is a related service which most responding states and localities provide. However, transportation services are frequently inadequate and have harmful effects on the child.

In Maryland, for example, there are too few vehicles, necessitating multiple stops resulting in physical and emotional strain on children, drivers, and driver assistants.

Kansas has a state law that no child may remain on a bus for longer than one hour each school trip without parental consent. Because the state is largely rural, with schools spread out over considerable distances, the law is circumvented by transfering children to two or three different buses enroute to school, a practice resulting in trips substantially in excess of the one-hour rule.

In Missouri transportation is almost nonexistent for older handicapped children. Transportation problems are also prevalent in California and Washington. In San Mateo and Santa Clara counties (CA) transportation is generally not available for children placed in private programs, while in Sonoma County (CA) transportation services are largely restricted to private school children only.

The UCPA of California study indicated that transportation to therapy for children mainstreamed into regular classrooms is a major concern. The report found that generally it is more costly for therapists to travel to individual schools than to transport children to centralized locations for therapy. The report concluded: "Unless school districts are able to provide transportation to therapy, parents commented that they would opt for special schools."

• Other Related Service Problems

Alabama's problems with related services are rooted in the vagueness of P.L. 94-142. No consensus has been reached regarding who pays for related services that may be identified as needed in order for a given child to benefit from special education. Related services are generally not available in Illinois.

Determination of what actually are related services is arguable in Seattle, with inadequate or nonexistent state matching for physical therapy, occupational therapy and speech therapy in both Seattle and Olympia, Washington. Health services are also denied in Washington.

Occupational therapy is generally not provided in San Mateo and Santa Clara counties (CA). In most of California physical therapy is frequently restricted to private schools only. Speech therapy is not offered in San Mateo, Santa Clara, and Sonoma counties as well as in Oakland and Los Angeles. Recreation is denied in Sonoma County and child counseling and parent counseling and training is unavailable in Los Angeles.

Reasons cited by school authorities for denying children related services include:

(1) Insufficient funds: Sonoma, San Mateo, and Santa Clara counties, California and Arizona.

(2) Services not basic to education: Seattle, WA.

(3) Occupational therapy not a school responsibility: San Mateo County, CA.

(4) Lack of speech therapists: San Mateo County, CA.

(5) Therapies only available to families meeting Crippled Childrens Services income eligibility tests: Los Angeles, CA.

• Some Signs Of Progress

Some jurisdictions within some states do offer some related services under certain circumstances.

(1) Transportation: CA., HA., WA., AR., OH., IL.

(2) Speech Therapy: CA., HA., WA., AR., OH., IL.

(3) Psychological Services: CA., HA., WA., OH., IL.

(4) Physical Therapy: CA., HA., WA., AR., CH., IL.

(5) Occupational Therapy: CA., HA., WA., AR., IL.

(6) Recreation Services: CA., WA., AR., IL.

(7) Health Services: CA., HA., AR., OH., IL.

(8) Child Counseling: CA., OH., IL.

(9) Parent Counseling and Training: CA., HA., WA., OH., IL.

THE INDIVIDUAL EDUCATION PLAN

The primary mechanism for assuring appropriate and quality education of children with disabilities is the Individual Education Plan (IEP). BEH regulations require the IEP to be developed by the child's teacher, one or both of the child's parents, a representative of the public agency, and "other individuals at the discretion of the parent or agency."

The regulations do not require an agency, teacher, or other person "to be held accountable" if a child does not achieve the growth projected in the plan. However, "good faith efforts" by agencies and teachers in assisting children to meet plan objectives are required.

- Determination Of An Appropriate Education

The IEP is to determine "appropriate education;" but P.L. 94-142 does not define the term. Basically, the concept is viewed as whether or not the child receives services specified in the IEP which in turn is dependent upon the validity of the plan itself.

If a child receives a free, public education (i.e., publicly run and supported) in the least restrictive environment necessary to meet his/her needs and in accordance with the services specified in his IEP, he/she will be receiving an appropriate education. A difficult question to answer with regard to a more specific definition is whether or not "appropriate" will eventually be defined as including output (achievement) in addition to input (services, adequately trained teachers, and so forth). Will "appropriate" come to mean that a child must in fact achieve all, or some, of the goals and objectives specified in his IEP?

Disagreement between parents and professionals over what constitutes an appropriate education was identified in California and Kansas.

The UCPA of California report concluded that of the 159 persons interviewed, 27% of those in public school programs were dissatisfied. The primary problems were lack of teacher special skills in working with persons with disabilities (29%), segregation in programs limited to handicapped children (29%), and boredom as a consequence of services inappropriate to personal needs (13%). Other California affiliates stated that instructional objectives generally were not specific.

- Parental Involvement

UCPA affiliates in San Mateo and Sonoma Counties, California; Kansas City, Missouri; Ohio; and Alabama reported that parents generally were not informed of their rights and thus lacked awareness that they were supposed to be involved in IEP development. When asked about their children's IEP, many parents never heard of it.

In addition to the failure of school officials adequately to inform parents of their rights, in Alabama some parents simply do not wish to participate in the development of the IEP and are content to have the professionals develop the plan for their signature. The Alabama state situation report concluded: "parents may be awed by a meeting where they are supposed to participate on equal terms with professionals in the development of the IEP and be too self-conscious or otherwise inhibited to participate openly in the meeting."

In Arizona parents were routinely instructed to sign the IEP without prior involvement.

• Mass-Produced IEPs

Maryland identified the enormous paperwork problems associated with IEPs for every child. An effort is underway to develop a unified paper network; preliminary results are complaints that uniformity means too much or too little information being required.

California and Arizona affiliates stated that the format of the plan led to its mass production without regard to individual need. In Arizona all children in the same class had the same music therapy objectives stated as "he/she will achieve the normal standard for his/her grade level."

• Other IEP Problems

(1) No IEPs: Sonoma County, CA.; Kansas City, Missouri; and Athens, Ohio.

(2) Confidentiality not ensured: California and New York.

(3) Nondisciminatory testing and evaluation procedures not ensured: New York.

(4) Inadequate labelling and capability to diagnose: California.

(5) Schedules and locations of planning process inadequate: Seattle, Washington.

(6) Inadequate multidisciplinary assessment: Athens, Ohio.

(7) Failure to assist children to develop assertiveness in new situations: California.

THE DUE PROCESS HEARING

P.L. 94-142 requires every state to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education. These safeguards include examination of records; protection of basic rights; written prior notice concerning identification, evaluation, and placement; native language considerations; opportunities to present complaints; and impartial due process hearings.

Families associated with UCPA programs in Arizona; Los Angeles, Palo Alto, and Oakland, California; and Seattle, Washington have resorted to a due process hearing to protect their child's rights and interests. UCPA in Seattle acted as the advocate for the family in the hearing process, while in Arizona the State Protection and Advocacy System and private attorneys represent the parents. Most of these appeals concerned mainstreaming decisions and were decided more in favor of the parents than the school districts.

Failure of the due process system is a major problem in Illinois. Despite the P.L. 94-142 requirements, Illinois state law specifies that a state mediator's (state superintendent of schools) decision is final. Due process hearings are not being

implemented in Kansas City, Missouri and in New York state.

Ohio requires an administrative review process prior to the due process hearing. While hundreds of parents have participated in the administrative review process, relatively few have been involved in due process hearings. Either parents are not adequately informed or they are intimidated at the administrative level for complaints persist.

In Alabama due process hearings are frequently too complex, cumbersome, and potentially time-consuming and expensive. The adversarial nature of the hearing inhibits the parent. Many parents fear "retribution" by school officials.

A question raised repeatedly is, what provisions are to be made for the child pending a hearing of complaints? This is important because of the considerable delays with hearings. A related question concerns payment of the hearing process. Parents have the right to be advised by counsel, to present evidence, to cross examine, to call witnesses, and receive written or verbatim transcripts of procedures. Who pays?

Regarding the child's status during hearing proceedings, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement. If the child is in no educational program and is applying for initial admission to a program, the child - with the consent of the parents - must be placed in a public school program while the hearing proceeds.

The regulations require that the hearing be completed and a final decision reached not later than 45 days after the receipt of a request for a hearing, and that the state education agency complete its review no later than 30 days after receipt of a review request.

LEAST RESTRICTIVE ENVIRONMENT AND PRIVATE SCHOOL PLACEMENTS

P.L. 94-142 attempts to assure that all handicapped children have available to them free and appropriate public education which is designed to meet their unique needs in the "least restrictive environment."

The UCPA of California study found that 92% of the children assessed were participating in education programs. Of these, 73% were in special education classes within public schools; however, only 8% were reported to be attending regular classes within the public schools.

Children associated with UCPA programs in Central Arizona; Sacramento, San Francisco, Los Angeles, Santa Clara County, and San Mateo County, California; Baltimore, Maryland; Wenatchee, Washington; and Bangor, Maine have been placed in private education programs. Three of these - Baltimore, Wenatchee, and Bangor - are UCPA-operated programs. In Los Angeles, these placements have been made without the approval of the school system. In Los Angeles, San Francisco, and Arizona these placements have also been made without the approval of the parent.

Financial reimbursement has been a serious problem in San Francisco, Los Angeles, and Illinois. In Illinois, parents have been required to pay part of the education costs because of a state law limiting annual reimbursement for private school students to an arbitrary $2,500 level.

Large student population changes, required by the least restrictive environment initiative, have created difficult child and staff adjustment problems in Maryland. In California many professionals interviewed felt mainstreaming might be too strenuous for certain children, "noting that segregation gives many students the opportunity to excel and feel comfortable." The least restrictive environment requirement is frequently ignored in New York.

It is important to recall the private school placement provisions of the BEH regulations:

(1) Private school placements are only permitted if the least restrictive alternative requirement is followed and only if specified in the child's IEP. All procedural safeguards must be followed.

(2) All 94-142 Federal funds and title to property acquired with those funds must be controlled by the state or local public education agency.

(3) Residential school placements required for educational purposes, "including non-medical care and room and board," must be made at no cost to the parents of the child.

(4) Even if a child's IEP requires private school placement and even if the private school implements a child's IEP, the state and local public education agency remain responsible for IEP implementation.

(5) All children in private schools are to receive services at no cost to the parent.

(6) Public education agencies shall monitor compliance through written reports, on-site visits, standards development, and parent questionnaires.

(7) If a handicapped child has available a free appropriate, public education and the parents choose to place the child in a private school, the public agency is not required to pay for the child's education. Disagreements over placement between public agency and parent are to be settled by a due process hearing.

(8) Provisions for serving private school handicapped children may not include the financing of the existing level of instruction in the private schools. The question of appropriate financial reimbursement to the private school will be continually debated.

(9) All private school placements must be determined annually, be based on the child's IEP, and be as close to the child's home as possible.

Maine is attempting to phase out UCPA school programs. A coalition of private school administrators and public school superintendents has been established to negotiate the timelines and other arrangements. Attempts are being made to regionalize special education, but the feasibility of such an approach is becoming questionnable.

COORDINATION WITH THE PRIVATE SECTOR

In New York the public sector has generally ignored the role of private education providers and failed to coordinate and utilize private education resources.

In Maine several examples of unilateral planning by school superintendents without consulting with private education programs were documented. In Kansas City, Missouri there has been little parent-teacher-administrator contact.

In Maryland private agencies are increasingly being viewed as "middle men" for the deinstitutionalization of persons prior to their entry into public schools, but coordination between providers and funding agencies has a long way to go.

The concern of private agencies in these states, as well as in Ohio, is with quality of service - a fear that in attempting to serve large numbers of previously unserved children public schools are sacrificing quality of service.

PUBLIC INVOLVEMENT

As outlined in the legislation, the consumer is anyone ranging from a handicapped child to a member of the general public who wishes to comment on the State Plan. Opportunities for participation under this legislation are:

(1) Opportunity for the parent and the child, if appropriate, to participate in writing the Individualized Education Plan;

(2) State Plan requirement for procedures for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children;

(3) State Plan requirement for public hearings, adequate notice of hearings, and opportunity for comment by the general public concerning the adoption of policies, programs and procedures involved in educating handicapped children and meeting the mandates of the law;

(4) Appointment to an advisory panel by the Governor to advise the Governor on (a) unmet needs; (b) rules or regulations regarding the education of exceptional children; (c) procedures for distributing the funds from the State Education Agency to the Local Education Agencies; (d) assistance in developing and reporting any data which the Commissioner of Education may require during his evaluation of the implementation of the law in that state;

(5) Opportunity to review all documents concerning Local Education Agency applications which are sent to the State Education Agency;

(6) Opportunity to peruse all evaluations and reports sent by the LEA to the SEA regarding the educational achievement of handicapped children;

(7) Opportunity to peruse a notice by the commissioner that he will withhold funds from a state due to failure on the part of that state to comply with eligibility or State Plan requirements; and

(8) Opportunity to review petitions filed in the Courts about such action.

Consumer involvement under P.L. 94-142 has the potential for markedly increasing the number of informed, involved volunteers. The inclusion of parents, as well as children themselves on the team responsible for the development and implementation of Individualized Education Plans provides a vehicle for increased consumer knowledge. Increased consumer knowledge will come from responsible interaction between professionals and parents who have not previously been involved in the education of their children. Unfortunately the states have not adequately involved the public in Maine, New York, and California. Illinois refuses to appoint advisory councils.

STATE RESPONSIBILITIES

P.L. 94-142 requires every state to have in effect a right to education policy and a plan to assure that the policy will be implemented. The requirements of the law apply even if funds are not appropriated according to formula. The law is not contingent upon funds being appropriated at a certain level.

The requirement of a free and appropriate public education does not apply to children ages 3, 4, 5, 18, 19, 20 and 21 if the application of the requirement would be inconsistent with state law or practice respecting public education within those age groups in the state. Implementation of such a provision will be controversial - could a state currently serving 40% of its preschool children claim that practice prevents them from serving all preschool children?

The regulations clarify the exception related to inconsistency with state law or practice. If the state provides education to children in any disability category in any of the age groups, services must be available to all children with disabilities. If the state provides education to non-handicapped children in any of the age groups, services must be provided to "at least a proportionate number of handicapped children of the same age." If a state provides education to 50% or more of its handicapped children, then all handicapped children of the same age must receive such education.

Control of education is a primary area of controversy, pitting Federal guarantees to prohibit exclusions and discrimination against traditional state and local responsibilities to provide education. P.L. 94-142 charges the state education agency with the responsibility of ensuring that the provisions of the law are met, but their only real control over local education agencies is the withholding of funds. A number of states have refused to withhold funds to noncomplying school districts, California, Alabama, and Missouri among them. The interests of parents and children are frequently compromised because of the separation of authority for implementation.

FUNDING SUFFICIENCY

Federal appropriations for aid to states under P.L. 94-142 and preceeding Federal education statutes are as follows:

FY 1967 - $2.5 million
FY 1968 - $15 million
FY 1969 - $29.250 million
FY 1970 - $29.190 million
FY 1971 - $34 million
FY 1972 - $37.5 million
FY 1973 - $37.5 million
FY 1974 - $47.5 million
FY 1975 - $47.5 million

P.L. 94-142 BEGINS

FY 1976 - $200 million
FY 1977 - $315 million
FY 1978 - $465 million
FY 1979 - Administration Request: $804 million
Full Funding Level: $1.2 billion

P.L. 94-142 authorizes "such sums as may be necessary" determined by multiplying the number of handicapped children served by average per pupil expenditure by an arbitrary percentage. The percentage is 5% in 1977, 10% in 1978, 20% in 1979, and 40% in 1980 and thereafter. The formula is:

NAE (national average expenditure per pupil)	X	% (rising percentage per year)	X	NHC (number of handicapped children)	=	SF (amount of Federal funds allocated to the state for the year)

Total national expenditure for education of children with disabilities in FY 1975 was $4.8 billion and for FY 1978 a projected estimate of $9.3 billion. The Federal effort has yet to be substantial.

In a February 17, 1977 letter to Congress, the National Governor's Conference, the Education Commission of the States, the National Conference of State Legislators, the Council of Chief State School Officers, and the National Association of State Boards of Education declared that P.L. 94-142 places "unprecedented financial and legal obligations on the states" with a timetable which many states "will find difficult, if not impossible, to meet." Citing financial difficulties, the coalition recommended deletion of individual education plans, due process hearings, and many other procedural safeguards specified in the act.

Lack of resources and required funding have been cited as major problems in Illinois; Seattle, Washington; California, particularly in Los Angeles as an excuse for not mainstreaming; Missouri; Maryland; and Alabama. Funding strains have motivated increased special interest group activity in public policy development, particularly unions, teachers, and providers of service.

P.L. 94-142 seems to place no upper limit on the services to be provided to each handicapped child at public expense. The Alabama state situation report concludes:

"If, in the development of the IEP, the local school authorities are aware that they must pay for all services that they identify as being needed by a given child, there may be a tendency simply not to identify many related services actually needed by the child. Many parents simply are not in a position to know exactly what services their child needs and must rely on the findings of trained professionals."

PRESCHOOL INCENTIVES

P.L. 94-142 authorized Federal financial assistance to state education agencies for the implementation of statewide plans for preschool and early education for children with disabilities and the acceleration of special services to these children. In order to receive the funds, the plan must be statewide and include as a minimum all children with disabilities ages three to five.

With limited resources and extensive mandates for the school age population and with a comprehensive approach required in order to receive funds, it seems unlikely that many states will take advantage of the incentive immediately. Additionally, the 10% disabled child enrollment required in Headstart and day care services financed under Titles IV B and XX of the Social Security Act have not been linked to the preschool incentive program.

The Preschool Incentive program uses the following funding formula:

$300	X	NHC (number of handicapped children ages 3-5)	=	PIGF (preschool incentive grant funds to the states)

In Kentucky the state currently financially supports private preschool programs such as the one operated by UCPA in Ashland. With the financial requirements of P.L. 94-142, Kentucky is rescinding all preschool funds. Wenatchee, Washington is refusing to implement the preschool program.

Kansas is also neglecting current state law for preschoolers because of P.L. 94-142 mandates. There are fights over where responsibility for such programs lie - with public education or social services developmental day care. Furthermore, there is little communication and coordination between these state agencies.

DETERMINING EQUAL TREATMENT

In Alabama debate continues over whether or not P.L. 94-142 goes further than guaranteeing equal treatment. As the state situation report speculates: "It is probable that the quality of education provided non-handicapped children could be greatly enhanced by such practices as IEP, smaller classes, procedural safeguards, and increased funds." An assumption is that non-handicapped children may not receive the quality of service that handicapped children receive. Should "appropriateness" of education be guaranteed for all children, regardless of handicap or absence of such conditions?

The questions of equal treatment under P.L. 94-142 and nondiscrimination under Section 504 protections involve the concept of reasonable accommodation. The basic

premise is that all things are not equal among handicapped and non-handicapped children; thus, reasonable accommodation must be made to the child's handicap in order to ensure equal opportunity. The premise involves the concept of equalizing opportunity. It is not unequal to provide higher cost services to handicapped children if such services are required to accommodate the handicap. The key issue is the concept of reasonableness, particularly as it relates to cost factors.

OTHER IMPLEMENTATION PROBLEMS

- Teacher Preparation/Staff Development

Failures to develop in-service training programs for teachers and associated personnel have been documented in Ohio, Maine, Missouri, California, and Maryland.

- Vocational Programs

Kansas City, Missouri is experiencing a lack of sufficient vocational programs in grades 7 to 12.

- Postsecondary Education

In Kansas and California there is a reluctance to accept special education students in postsecondary education settings. In Kansas Vocational Education is reluctant to target on special education, and there is little communication between Vocational Education and Special Education.

- Summer Programs

The development and financial support of appropriate summer programs for school-age children is a substantial problem in San Mateo County, California.

CONCLUSION

This paper has outlined a number of problems preventing full P.L. 94-142 implementation in several states. In conclusion, readers should remember a statement from the Maryland state situation report:

> "The greatest benefit has been to foster an awareness of handicapping conditions and special needs of persons with a handicap, not only among the public, but professionals as well."

APPENDIX ONE: UCPA AFFILIATES PARTICIPATING IN P.L. 94-142 IMPLEMENTATION REPORT

Affiliate	Date of Report
• Affiliates Preparing Detailed State Status Reports	
1) UCPA of New York State (Robert Schonhorn, Executive Director)	September 7, 1977
2) UCP of Illinois (Jane Chapin, Executive Director)	November 1, 1977
3) UCP of Kansas (Jack Jonas, Executive Director) (John Strickler, Executive Director, KS Advocacy and Protective Services)	November 8, 1977
4) UCP of Central Maryland (Baltimore) (Jane Davis, Assistant Program Director)	November 17, 1977
5) UCP of Birmingham, Alabama (James Dill, Executive Director)	November 18, 1977
6) UCP of Northeastern Maine (Bangor) (Ruth Shook, Executive Director)	November 22, 1977 May 2, 1978
7) UCPA of Greater Kansas City, Mo. (Richard Head, Advocacy Program Coordinator)	March 15, 1978
• Affiliates Responding To January, 1978 Word From Washington article	
8) UCP of Eastern Kentucky (Ashland) (Mary Lou Strait, Executive Director)	February 9, 1978
9) Doris Weber, Kansas City, Mo. At-Large Member, UCPA Governmental Activities Committee	February 20, 1978
• Affiliates Responding To P.L. 94-142 Questionnaire	
10) Elsie D. Helsel, Ph.D., Athens, Ohio Chairperson, UCPA Governmental Activities Committee	December 27, 1977
11) UCP of Pugent Sound, Olympia, WA.	March 27, 1978
12) UCPA of Sonoma County, Santa Rosa, CA.	March 27, 1978
13) UCPA of King-Snohomish Counties, Seattle, WA.	March 31, 1978
14) UCPA of Hawaii	March 31, 1978
15) UCPA of Central Arizona (Phoenix)	April 3, 1978
16) UCPA of Santa Clara/San Mateo Counties, Palo Alto, CA.	April 3, 1978

17) UCPA of Kennewick, WA.	April 3, 1978
18) UCPA of San Francisco, CA.	April 4, 1978
19) UCP of Wenatchee Valley, Wenatchee, WA.	April 6, 1978
20) UCPA of Los Angeles County, CA.	April 7, 1978
21) UCPA of Alameda-Contra Costa Counties, Oakland, CA.	April 13, 1978
22) UCP of Central California, Fresno, CA.	April 13, 1978
23) UCP of Illinois	April 15, 1978

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